



AUG 23 2000
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Warren B. Kice
Haynes and Boone
3100 Bank of America Plaza
901 Main Street
Dallas, TX 75202 3789

In re Application of
JOMAA
Application No.: 09/673,389
PCT No.: PCT/EP99/02463
Int. Filing Date: 13 April 1999
Priority Date: 14 April 1998
Attorney Docket No.: 12964.17
For: PROCESS FOR . . . PATHWAY

DECISION

This decision is in response to applicants "RESPONSE TO NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION AND PETITION UNDER 37 CFR §1.182 TO CORRECT INVENTOR'S NAME" filed 07 December 2000.

BACKGROUND

On 13 April 1999, applicants filed international application PCT/EP99/02463, which claimed a priority date of 14 April 1998. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 21 October 1999. A Demand for international preliminary examination, in which the United States was elected, was filed on 22 October 1999 prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 16 October 2000 (14 October 2000 being a Saturday).

On 13 October 2000, applicants filed in the USPTO a Transmittal Letter (Form PTO-1390) for entry into the national stage under 35 U.S.C. 371 accompanied by, *inter alia*: an assertion of small entity status; the Basic National Fee; an unexecuted declaration; and the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than 30 months from the priority date for a small entity.

On 14 November 2000, the USPTO mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that the declaration was not in compliance with 37 CFR 1.497(a)-(b) because it was not executed.

On 07 December 2000, applicants submitted the instant "RESPONSE TO

NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION AND PETITION UNDER 37 CFR §1.182 TO CORRECT INVENTOR'S NAME", which was accompanied by, *inter alia*, a declaration of the inventor and the petition fee of \$130.00.

DISCUSSION

The "RESPONSE TO NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION AND PETITION UNDER 37 CFR §1.182 TO CORRECT INVENTOR'S NAME" filed 07 December 2000 concerns the correction of an inventor's name and notifies the Office that the correct inventor's name is as follows: **Hassan JOMAA** as indicated in the declaration filed 07 December 2000 rather than Jomaa HASSAN as indicated in the international application. The "RESPONSE TO NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION AND PETITION UNDER 37 CFR §1.182 TO CORRECT INVENTOR'S NAME" explains that the international application was filed listing the inventor's first name last and his last name first. Also, the International Bureau of WIPO mailed a "COMMUNICATION IN CASES FOR WHICH NO OTHER FORM IS APPLICABLE" (Form PCT/IB/345) noting a correction in the name of the applicant, namely that the family name of the inventor is JOMAA and the first name is Hassan. Accordingly, applicants' explanation of the difference in the name of the inventor is accepted.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.182 is **GRANTED**.

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including (1) correction of the applicant's name in PALM from HASSAN, Jomaa to **JOMAA, Hassan** and (2) according the application a 35 U.S.C. 371(c) date of **07 December 2000**.



Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (703) 308-2066
Facsimile: (703) 308-6459